UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,429	01/30/2001	Frederick William Strahm	10559/340001/P9885	3489

EXAMINER
HAMILTON, MONPLAISIR G

20985   7590   09/30/2004

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ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/774,429	STRAHM ET AL.	
	Examiner	Art Unit	
	Monplaisir G Hamilton	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 June 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15 and 17-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15 and 17-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 6/21/04 has been entered.

        The communication filed on 6/21/04 amended Claims 15, 17, 23 and 24 and added claims

27-30. Claims 1-15 and 17-30 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-15 and 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Minear et al (GB 2317792).

Referring to Claims 1 and 6:

Minear disclose a method comprising:

determining at a classifying forwarding element if a classification parameter is available

for Internet Protocol security (IPsec) traffic that indicates a route for the IPsec traffic and

classifying said traffic if available (col 7, lines 15-30);

if said classification parameter is not available, and the IPsec traffic is encrypted then

decrypting traffic in a decrypting forwarding element after said traffic has passed through said

classifying forwarding element (col 4, lines 10-15), and determining the classification parameter

for the IPsec traffic at the decrypting forwarding element (col 9, lines 20-30); and

forwarding the IPsec traffic based on the classification parameter (col 10, lines 1-10).

Referring to Claim 11:

Minear discloses a system comprising:

a classifying forwarding element configured to communicate with a network, to determine a classification parameter that indicates a route for a traffic stream is available for a packet included in the traffic stream (col 9, lines 20-30); and

a decryption forwarding element configured to receive the packet from the classifying forwarding element, to perform an encryption-related procedure on the packet if the packet is encrypted and associated with a known encryption-related key (col 4, lines 10-15; col 7, lines 15-25;), and determine said classification parameter, if the classification parameter is available from either of said forwarding elements, to forward the packet based on the route for the traffic stream (col 7, lines 15-30).

Referring to Claims 2 and 7:

Minear discloses the limitations of Claims 1 and 6 above. Minear further discloses receiving the IPsec traffic at the classifying forwarding element (col 7, lines 20-30).

Referring to Claim 3 and 8:

Minear discloses the limitations of Claims 1 and 6 above. Minear further discloses the classification parameter includes a security parameter index (SPI) associated with the IPsec traffic (col 7, lines 15-25).

Referring to Claims 4 and 9:

Minear discloses the limitations of Claims 1 and 6 above. Minear further discloses the

IPsec traffic includes a data packet (col 7, lines 15-30).

Referring to Claims 5 and 10:

Minear discloses the limitations of Claims 1 and 6 above. Minear further discloses

forwarding other IPsec traffic included in a traffic stream with the IPsec traffic based on the

classification parameter (col 8, lines 25-30; col 9, lines 5-15).

Referring to Claim 12:

Minear discloses the limitations of Claims 11 above. Minear further discloses a third

mechanism configured to communicate with the classifying forwarding element and with the

decryption forwarding element and to determine a classification parameter for the packet if a

classification parameter is not available (col 7, line 20-col 8, line 15).

Referring to Claim 13:

Minear discloses the limitations of Claims 12 above. Minear further discloses the second

mechanism is also configured to forward the packet to the third mechanism if the packet is not

associated with a known encryption-related key (col 9, lines 15-30; col 17, lines 30-40).

Referring to Claim 14:

Minear discloses the limitations of Claims 12 above. Minear further discloses the third

mechanism is also configured to, after determining the classification parameter for the packet,

forward the classification parameter to the first mechanism (col 9, lines 10-30).

Referring to Claim 15:

Minear discloses the limitations of Claims 12 above. Minear further discloses the third

mechanism is also configured to, after determining the encryption-related key for the packet,

forward the encryption-related key to the decryption forwarding element so that the decryption

forwarding element can perform the encryption-related procedure (col 7, lines 15-30).

Referring to Claim 17:

Minear discloses the limitations of Claims 11 above. Minear further discloses a plurality

of additional mechanisms, each additional mechanism configured to communicate with the

classification forwarding device to perform an encryption-related procedure on the packet if the

packet is encrypted and associated with a known encryption-related key (col 7, line 25-col 8, line

15), and, if the classification parameter is available, to forward the packet based on the route for

the traffic stream (col 8, lines 25-30).

Referring to Claim 18.

Minear discloses the limitations of Claims 11 above. Minear further discloses the packet

includes an Internet Protocol security data packet (col 8, lines 15-30).

Referring to Claim 19:

Minear discloses the limitations of Claims 11 above. Minear further discloses the traffic

stream includes a plurality of Internet Protocol security data packets (col 8, lines 15-30).

Referring to Claim 20:

Minear discloses the limitations of Claims 11 above. Minear further discloses the first

mechanism is also configured to forward the packet to the second mechanism if the packet is

encrypted (col 9, lines 25-30).

Referring to Claim 21:

Minear discloses the limitations of Claims 11 above. Minear further discloses the route

for the traffic stream includes a route through a network (col 5, lines 20-30; col 10, lines 1-15).

Referring to Claim 22:

Minear discloses the limitations of Claims 21 above. Minear further discloses the

network includes an Internet (Fig. 1).

Referring to Claim 23:

        Minear discloses the limitations of Claims 11 above. Minear further discloses the

encryption-related procedure includes encrypting the packet (col 21, lines 1-25).

Referring to Claim 24:

        Minear discloses the limitations of Claims 11 above. Minear further discloses the

encryption-related procedure includes decrypting the packet (col 21, lines 15-25).

Referring to Claim 25:

        Minear discloses the limitations of Claims 11 above. Minear further discloses another

mechanism configured to receive the packet from the second mechanism and to forward the

packet based on the route to an ultimate destination of the packet (col 19, lines 1-10; col 22, lines

20-30).

Referring to Claim 26:

        Minear discloses the limitations of Claims 11 above. Minear further discloses the first

mechanism is also configured to route packets included in the traffic stream based on a load

balancing scheme (col 19, lines 5-15; col 22, lines 5-20).

3.   Claims 27-30 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Narad et al (US 6,157,955).

Referring to Claim 27:

Narad discloses a first classifying forwarding element in communication with a network, the first classifying forwarding element having an output (col 40, lines 25-40);

a plurality of decrypting forwarding elements in communication with the output of the first classifying forwarding element, each of the plurality of decrypting forwarding elements having an output (col 9, lines 25-50; col 13, lines 30-50; col 16, lines 5-30);

a control element in communication with the first classifying forwarding element and the plurality of decrypting forwarding elements (col 6, lines 55-col 7, line 10); and

one or more second classifying forwarding elements in communication with one or more outputs of the decrypting forwarding elements, the one or more second classifying forwarding elements different than the first classifying forwarding element, the one or more second classifying forwarding elements each having an output (col 13, lines 30-45; col 14, lines 20-40).

Referring to Claim 28:

Narad discloses the limitation of Claim 27 above. Narad further discloses one or more servers in communication with the output of at least one of the one or more second classifying forwarding elements (col 6, lines 40-65).

Referring to Claim 29:

Narad discloses the limitation of Claim 28 above. Narad further discloses the control element includes security information for the one or more Servers (col 10, lines 15-40).

Referring to Claim 30:

Narad discloses the limitation of Claim 29 above. Narad further discloses the security information includes one or more access tokens (col 9, lines 25-40; col 72, lines 30-40).

Prior Art

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6253321 issued to Nikander, Pekka et al. Nikander discloses a data processing system implements a security protocol based on processing data in packets. The data processing system comprises processing packets for storing filter code and processing data packets according to stored filter code, and a policy managing function for generating filter code and communicating generated filter code for packet processing. The packet processing function is arranged to examine, whether the stored filter code is applicable for processing a certain packet. If the stored filter code is not applicable for the processing of a packet, the packet is communicated to the policy managing function, which generates filter code applicable for the processing of the packet and communicates the generated filter code for packet processing.
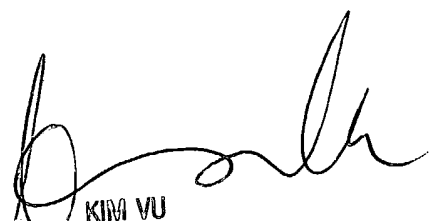
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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